

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

AUTHOR JAMES MANNING, JR.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:25-cv-94-JDK-JDL
	§	
CAPITAL ONE, PORTFOLIO RECOVERY,	§	
	§	
Defendants.	§	
	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Author Manning, proceeding pro se, filed this action on March 24, 2025. Docket No. 1. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the action.


On March 25, 2025, Judge Love issued a Report and Recommendation recommending that the Court dismiss this case with prejudice for failure to state a claim upon which relief can be granted. Docket No. 2. The Magistrate Judge also warned Plaintiff that continually filing frivolous cases in this Court will result in sanctions. Plaintiff objected. Docket No. 3.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*

Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his objections, Plaintiff merely asserts the pleading standard and makes general conclusory allegations. Docket No. 3 at 1–2. Having conducted a de novo review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff’s objections are without merit. Accordingly, the Court **OVERRULES** Plaintiff’s objections (Docket No. 3) and **ADOPTS** the Report of the Magistrate Judge (Docket No. 2) as the opinion of the District Court. Plaintiff’s claims are **DISMISSED** with prejudice for failure to state a claim upon which relief can be granted.

So **ORDERED** and **SIGNED** this **22nd** day of **April, 2025**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE